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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,239

11/04/2003

Donald E. Weder

8403.343

5274

30589

7590

12/20/2005

DUNLAP, CODDING & ROGERS P.C.

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OKLAHOMA CITY, OK 73113

EXAMINER

GELLNER, JEFFREY L

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,239

Applicant(s)

WEDER, DONALD E.

Examiner

Jeffrey L. Gellner

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date → 29 Nov. 2005

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Upon reconsideration of the prior art the allowability of claims 36-40 is withdrawn.

Examiner regrets any inconvenience to Applicant.

Information Disclosure Statement

Acknowledgement is made of Applicant's IDS received 29 November 2005. However, the prior art on the IDS was cited by Examiner as part of office action 05192005. Because of its prior citation, this reference on the IDS received 29 November 2005 has been struck through so as not to confuse the printer in the event of issue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder (US 6,250,467 B1) in view of Kato (US 4,781,645).

As to claim 36, Weder discloses a self inflating container (abstract; Figs. 9 and 10) that is capable of containing a floral grouping, comprising a floral grouping (shown in Figs. 9 and 10), the inflating expandable container comprising a housing (34c or 34d of Figs. 9 and 10, an application of force having fill materials in chambers that rupture and produce expanding gas

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(col. 7 lines 16-38), and a floral grouping in the self inflating container (Figs. 9 and 10). Not disclosed is the fill material disposed in an inner chamber disposed in an outer chamber. Kato, however, discloses an self inflating container with an inner chamber (3 of Fig. 1b) disposed in an outer chamber (2 of Fig. 1b) that when ruptured causes an housing (1 of Fig. 1b) to self inflate by chemical reaction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the container of Weder by using the self inflating chambers of Kato so as to have a more efficient inflation due to the proximity of the two chemicals (see Kato at col. 1 lines 54-66). The container of Weder as modified by Kato inherent discloses the method steps recited in claim 36.

As to claims 37-40, the limitations of claim 1 are disclosed and described above. Weder as modified by Kato further disclose the shape of the container as any geometric, nongeometric, or asymmetric shape (Weder at col. 8 lines 43-52). Not disclosed is the shape of the container being frusto-conical, conical, cubic, or cylindrical. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the container of Weder as modified by Kato by making the a frusto-conical, conical, cubic, or cylindrical container depending upon need of he shipper and to achieve a particular goal.

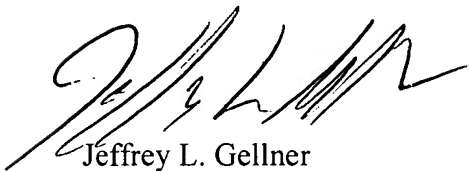
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00, alternate Fridays off, if attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter

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Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. L. Gellner', with a stylized flourish at the end.

Jeffrey L. Gellner
Primary Examiner
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